

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

JOSEPH KUENZLER,  
Plaintiff

vs

SHERIFF SIMON LEIS  
Defendant.

Case No. 1:08-cv-783

Weber, J.  
Black, M.J.

**ORDER DISMISSING CASE  
FOR FAILURE TO COMPLY WITH  
DEFICIENCY ORDER**

On November 13, 2008, the Court ordered plaintiff to submit a complete application to proceed without prepayment of fees form and a certified copy of his trust fund account statement (or institutional equivalent) or pay the full filing fee of \$350.00 within thirty (30) days. (Doc. 2). Plaintiff was also ordered to submit a copy of his complaint, a summons form, and a United States Marshal form for the defendant named in this lawsuit within thirty (30) days. *Id.* Plaintiff was notified that his failure to comply with the Deficiency Order would result in the dismissal of his case for want of prosecution. Plaintiff was also informed that if his case is dismissed for failure to comply with the Deficiency Order, his case will not be reinstated to the Court's active docket despite the payment of the filing fee. *Id.*

On December 23, 2008, plaintiff was granted an extension of time until January 12, 2009 to comply with the Court's Deficiency Order. (Doc. 8).


To date, plaintiff has failed to pay the full filing fee of \$350.00 or to submit a complete application to proceed without prepayment of fees form and a certified copy of his trust fund account statement as ordered by the Court. Nor has plaintiff submitted a copy of his complaint, a summons form, and a United States Marshal form for the defendant named in this lawsuit as

ordered by the Court.

Plaintiff's failure to comply with the Court's Deficiency Order warrants dismissal of this action. *See* Fed. R. Civ. P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626, 630-631 (1962); *Walker v. Dallman*, No. 92-3817, 1993 U.S. App. LEXIS 4661 (6th Cir. Mar. 4, 1993).

**IT IS THEREFORE ORDERED** that this matter is **DISMISSED** with prejudice for lack of prosecution and failure to abide by a Court order.

Date: 2/05/09

  
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Herman J. Weber, Senior Judge  
United States District Court